

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, NOVEMBER 29, 2007**

**Invocation: A Moment of Silence**

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, November 29, 2007 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:22 a.m.

The Mayor asked Council Members to report on upcoming agenda items:

Mayor Wynn announced on December 6 or 13, 2007 he will bring an item to discuss allocation of approximately \$5M in funds from the sale of additional space in Block 21.

Mayor Wynn and Council Member Cole announced they will bring a resolution to form a task force to study a variety of sound issues in the community primarily in the downtown area.

Mayor Wynn announced he will bring a resolution to form a task force to draft requirements for minimum upgrades for energy efficiency in homes at the time the home is being sold to further Austin's energy conservation efforts.

Council Member Kim announced she will bring an item giving direction to staff to clarify some issues concerning remodeling permits versus permits for construction of additions to a building because currently there is confusion and there may be some abuses occurring.

Council Member Kim announced she will bring an item recommending a second staff psychologist position be created for the Austin Police Department.

**CONSENT AGENDA**

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Cole's motion, Council Member McCracken's second on a 7-0 vote.

1. Approval of the minutes of the Austin City Council from the regularly scheduled meeting of November 8, 2007.  
The minutes from the meeting of November 8, 2007 were approved.
2. Approve a resolution authorizing the City Manager to proceed with the planned redevelopment of City property at 2500 Montopolis Drive as a new location for Austin Energy's Energy Control Center. Funding

is available in the approved Fiscal Year 2007-2008 Capital Improvement Budget of Austin Energy. The prior Council resolutions on this subject were recommended by the Electric Utility Council.

**Resolution No. 20071129-002 was approved.**

3. Authorize execution of a 12-month Economic Development Agreement with ATI-BIOSCIENCE, a division of the Austin Technology Incubator, a project of the University of Texas-Austin, in an amount not to exceed \$125,000, to provide strategic business consulting services to local bio-technology startups to foster economic development and job creation. Funding is available in the Fiscal Year 2007-2008 Operating Budget of the Financial Services Office.  
**This item was postponed to December 13, 2007.**
4. Authorize execution of a 12-month Economic Development Agreement with ATI-WIRELESS, a division of the Austin Technology Incubator, a project of the University of Texas-Austin, in an amount not to exceed \$200,000, to provide strategic business consulting services to Austin high technology startups to foster economic development and job creation. Funding is available in the Fiscal Year 2007-2008 Operating Budget of the Financial Services Office.  
**This item was postponed to December 13, 2007.**
5. Approve an ordinance authorizing acceptance of \$56,855 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, HIV/STD COMPREHENSIVE SERVICES BRANCH, Austin, TX; and amending the Fiscal Year 2007-2008 Health and Human Services Department Operating Budget Special Revenue Fund, Ordinance No. 20070910-003 to appropriate \$56,855 for a total grant amount of \$250,855 for the Sexually Transmitted Disease (STD) Control Program to provide clinical and preventive services to the community to reduce the incidence of sexually transmitted diseases and create one full-time equivalent grant position. Funding is available from the Texas Department of State Health Services, HIV/STD Comprehensive Services Branch. The grant period is January 1, 2008 through December 31, 2008. No City match is required.  
**Ordinance No. 20071129-005 was approved.**
6. Approve an ordinance authorizing acceptance of \$52,655 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, HIV/STD COMPREHENSIVE SERVICES BRANCH, Austin, TX; and amending the Fiscal Year 2007-2008 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20070910-003 to appropriate \$52,655 for a total grant amount of \$246,655 for the Sexually Transmitted Disease Control Program to provide clinical and preventive services to the community to reduce the incidence of sexually transmitted diseases. Funding is available from the Texas Department of State Health Services, HIV/STD Comprehensive Services Branch. The grant period is January 1, 2007 through December 31, 2007. No City match is required.  
**Ordinance No. 20071129-006 was approved.**
7. Approve an ordinance authorizing acceptance of grant funds in the amount of \$7,203 from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, INFECTIOUS DISEASE INTERVENTION AND CONTROL BRANCH, Austin, TX; and amending the Fiscal Year 2007-2008 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20070910-003 to appropriate \$7,203 for a total grant amount of \$154,203 for the Tuberculosis Outreach Grant to provide tuberculosis prevention, control, and outreach services in Travis County. Funding is available from the Texas Department of State Health Services, Infectious Disease Intervention and Control Branch, Austin, TX. The grant period is January 1, 2008 through December 31, 2008. No City match is required.  
**Ordinance No. 20071129-007 was approved.**

8. Approve an ordinance authorizing acceptance of the additional \$132 in grant funds from the TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS, Austin, TX for the Community Services Block Grant program (CSBG); and amending the Fiscal Year 2007-2008 Health and Human Services Operating Budget Special Revenue Fund of Ordinance No. 20070910-003 to appropriate \$132 for a total grant amount of \$804,132 for a Community Services Block Grant program that provides basic needs and other self-sufficiency resources for low-income residents. Funding is available from the Texas Department of Housing and Community Affairs, Community Services Block Grant program. The grant period is January 1, 2007 through December 31, 2007. No City match is required.  
**Ordinance No. 20071129-008 was approved.**

**Item 9 was pulled for discussion.**

10. Authorize the negotiation and execution of an amendment to the legal services agreement with the law firm of Hughes & Luce, L.L.P. related to the Seaholm development project to expand the scope of services to include issues related to the redevelopment of the Green Water Treatment Plant grounds and adjacent property, located east of Seaholm Power Plant on Cesar Chavez, between Lamar Boulevard and Guadalupe Street.  
**The motion authorizing the negotiation and execution of an amendment to the legal services agreement with the law firm of Hughes and Luce, L.L.P. was approved.**

**Items 11 and 12 were pulled for discussion.**

13. Approve a resolution authorizing the fee simple acquisition of Lot 1, Block 3, Green Valley No. 1, a subdivision in Austin, Travis County, Texas, located at 5605 Harold Court from Dorothy Nell Anderson and Barry Anderson, Independent Executor of the Estate of Leon Anderson, Sr., Deceased, for the Fort Branch Reach 6 and 7 Streambank and Flood Control Project for the land and improvements, for a total amount not to exceed \$140,000. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.  
**Resolution No. 20071129-013 was approved.**
14. Approve a resolution authorizing the fee simple acquisition of Lot 7, Block G, Onion Creek Forest, Section 2, a subdivision in Austin, Travis County, Texas, located at 5404 Thornwood Drive from Santiago Lopez for the Onion Creek Voluntary Flood Buyout-FEMA-1606-DR Project in the amount of \$59,000 for the land and improvements and \$39,400 in owner assisted relocation benefits, plus moving related expenses not to exceed \$10,000, for a total amount not to exceed \$108,400. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.  
**Resolution No. 20071129-014 was approved.**

**Item 15 was pulled for discussion.**

16. Authorize the negotiation and execution of an agreement with the Nature Conservancy of Texas, Inc. (TNC) for reimbursement of costs incurred in connection with the acquisition of real property pursuant to the November 6, 2006 Bond Election, Proposition 2, in an amount not to exceed \$350,000. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Watershed Protection and Development Review Department.  
**The motion authorizing the negotiation and execution of an agreement with the Nature Conservancy of Texas, Inc. was approved.**

17. Approve an ordinance vacating the alley in the 3800 block of Medical Parkway for use as customer parking at the adjacent retail center on behalf of Lamar Village Joint Venture. Recommended by the Zoning and Platting Commission and the Urban Transportation Commission.  
**Ordinance No. 20071129-017 was approved.**
18. Approve an ordinance vacating the 1200 block of West Live Oak Street to be used for the redevelopment of the adjacent Housing Authority of the City of Austin property, but reserving a drainage, water and wastewater easement to the City of Austin. Recommended by the Planning Commission and the Urban Transportation Commission.  
**Ordinance No. 20071129-018 was approved.**
19. Approve the negotiation and execution of a 38-month lease with the possibility of future renewals for approximately 2,270 square feet of office space for the City Prosecutor's Division of the Law Department, located at 814 San Jacinto, Suite 307, from JOHN B. PEARSON III, Pacific Palisades, CA, in an amount not to exceed \$160,245 for the initial lease term. Funding in the amount of \$33,188.75 is available in the Fiscal Year 2007-2008 Operating Budget of the Law Department. Funding for the remaining lease term period is contingent upon available funding in future budgets.  
**The motion authorizing the negotiation and execution of a lease for office space was approved.**
20. Approve an ordinance amending Chapter 12-1 of the City Code by repealing Article 6 related to Automated Red Light Enforcement and replacing it with a new Article 6 that comports with applicable state law.  
**Ordinance No. 20071129-020 was approved.**
21. Authorize the use of the Design/Build method for contracting for facility renovation for the Municipal Court/APD Northeast Substation Facility Project as permitted by Subchapter H of Chapter 271 of the Texas Local Government Code. Recommended by the MBE/WBE and Small Business Council Subcommittee and the MBE/WBE and Small Business Advisory Committee.  
**The motion authorizing the use of the design/build method for contracting for facility renovation for the Municipal Court/APD Northeast substation facility project was approved.**
22. Authorize the use of the Construction Manager at Risk method of contracting for construction for the new Single-Stream Material Recovery Facility Project as permitted by Subchapter H of Chapter 271 of the Texas Local Government Code. Recommended by the MBE/WBE and Small Business Council Subcommittee and the MBE/WBE and Small Business Advisory Committee.  
**This item was withdrawn.**
23. Authorize execution of a construction contract with ASPHALT PAVING CO OF AUSTIN, Buda, TX, for the General Aviation Avenue Pavement Rehabilitation Project in an amount not to exceed \$359,614.38. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Aviation Department. Lowest of three bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goals with 11.13% MBE and 45.69% WBE subcontractor participation. Recommended by the Austin Airport Advisory Commission.  
**The motion authorizing the execution of a construction contract with Asphalt Paving Company of Austin was approved.**
24. Authorize negotiation and execution of an Interlocal Agreement between the City of Austin and Travis County for the design and construction of Wells Branch Parkway from Heatherwilde to the Pflugerville city limits and Heatherwilde Boulevard from Wells Branch Parkway to Howard Lane in the amount of

\$552,716. Funding is available in the Fiscal year 2007-2008 Capital Budget of the Public Works Department. Recommended by the Urban Transportation Commission.

**The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and Travis County was approved.**

25. Authorize negotiation and execution of an Interlocal Agreement between the City of Austin and Travis County for the design and construction and right of way acquisition for the extension of Tuscany Way from Exchange Drive to Ferguson Lane with related intersection improvements and the relocation of existing water facilities in the amount of \$1,787,502. Funding in the amount of \$1,637,502 is available in the Fiscal Year 2007-2008 Capital Budget of the Public Works Department and \$150,000 is available in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. Recommended by the Urban Transportation Commission. Recommended by the Water and Wastewater Commission.

**The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and Travis County was approved.**

**Item 26 was pulled for discussion.**

27. Authorize negotiation and execution of an amendment to the professional services agreement with DMJM H and N, of Los Angeles, CA, for engineering and related services for the Austin-Bergstrom International Airport (ABIA) Security System Upgrade project, to provide design and construction phase services to meet federal security directives in the amount of \$200,000, for a total contract amount not to exceed \$1,100,000. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Aviation Department. This contract was awarded in compliance with the requirements of 49 CFR Part 26 (Disadvantaged Business Enterprise Program) and Chapter 2-9B of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) with 13.69% DBE subcontractor participation to date. Recommended by the Austin Airport Advisory Commission.

**The motion authorizing the negotiation and execution of an amendment to the professional services agreement with DMJM H and N was approved.**

28. Authorize award and execution of a contract with AREVA T& D INC. RITZ HV INSTRUMENT TRANSFORMERS, Waynesboro, GA for 138kV potential transformers in an amount not to exceed \$69,525. Funding is available in the Fiscal Year 2007-2008 Capital Budget of Austin Energy. Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a contract with Areva T & D Inc. Ritz HV Instrument Transformers was approved.**

29. Authorize award and execution of a contract with JOHNSON CONTROLS, INC., Austin, TX, for the purchase and installation of a 5000-ton water chiller in an amount not to exceed \$9,771,430, with the option to purchase a second chiller in an amount not to exceed \$8,328,372, for a total contract amount not to exceed \$18,099,802. Funding is available in the Fiscal Year 2007-2008 Capital Budget of Austin Energy. Sole Source. This contract will be awarded in compliance with Chapter 2D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No Subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a contract with Johnson Controls, Inc. was approved.**

30. Authorize award and execution of a contract with MORPAC INDUSTRIES, INC., Tucson, AZ for air switches in an amount not to exceed \$114,400. Funding is available in the Fiscal Year 2007-2008 Capital Budget of Austin Energy. Lowest bid meeting specifications of six bids received. This contract will be

awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a contract with Morpac Industries, Inc. was approved.**

31. Authorize award, negotiation, and execution of a 24-month requirements service contract with NCO FINANCIAL SYSTEMS, INC., Norcross, GA, MSB GOVERNMENT SERVICES, Austin, TX, and CREDIT BUREAU COLLECTION SERVICES, Columbus, OH, for the collection of delinquent utility accounts in an estimated amount not to exceed \$3,980,400 each and combined, with three 12-month extension options in an estimated amount not to exceed \$1,990,200 per extension option each and combined, for a total estimated contract amount not to exceed \$9,951,000 each and combined. Funding in the amount of \$1,658,500 is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. Funding for the remaining 14 months of the original contract period and extension options is contingent upon available funding in future budgets. Best three evaluated proposals of eight proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority -Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award, negotiation and execution of a requirements service contract with NCO Financial Systems, Inc., and Credit Bureau Collection Services was approved.**

32. Authorize award and execution of a 24-month requirements supply contract with PRIESTER-MELL & NICHOLSON, Austin, TX for SF6 padmount switchgear in an estimated amount not to exceed \$2,233,610, with two 12-month extension options in an estimated amount not to exceed \$1,116,805 per extension option, for a total estimated contract amount not to exceed \$4,467,220. Funding in the amount of \$930,670 is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. Funding for the remaining 14 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specifications of five bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements supply contract with Priester-Mell and Nicholson was approved.**

33. Approve ratification of a contract with TRANSCANADA TURBINES, LTD, Calgary, Alberta, Canada for the repair of the gas turbine engine at the Sand Hill Energy Center Unit No. 3 in an amount estimated to be \$2,713,638. Funding is available in the Fiscal Year 2007-2008 Operating Budget of Austin Energy. Critical Business Need. This contract was awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing ratification of a contract with Transcanada Turbines, Ltd was approved.**

34. Authorize award and execution of a contract with TRENCH LTD c/o FAPCO, LLC, New Braunfels, TX, for the purchase of current transformers in an amount not to exceed \$211,500. Funding is available in the Fiscal Year 2007-2008 Capital Budget of Austin Energy. Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a contract with Trench Ltd in care of FAPCO, LLC was approved.**

35. Authorize execution of a 36-month requirements service agreement with BARRY CLARK & ASSOCIATES, INC., Roanoke, TX, and TRANSYSTEMS/CAMPBELL-HILL, Alexandria, VA, for air service market evaluation and development services in an estimated amount not to exceed \$450,000 each and combined, with three 12-month extension options in an estimated amount not to exceed \$150,000 per extension option each and combined, for a total estimated contract amount not to exceed \$900,000 each and combined. Funding in the amount of \$137,500 is available in the Fiscal Year 2007-2008 Operating Budget of the Aviation Department. Funding for the remaining 25 months of the original contract terms and extension options is contingent upon available funding in future budgets. Best evaluated proposals of three proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Austin Airport Advisory Committee.  
**The motion authorizing the execution of a requirements service agreement with Barry Clark and Associates, Inc. and Transystems/Campbell-Hill was approved.**
36. Authorize award and execution of a 24-month requirements service contract with AARON CONCRETE CONTRACTORS, LP (MBE/MH), Austin, TX, for the milling of hot mix asphaltic concrete pavement in an estimated amount not to exceed \$159,000, with two 12-month extension options in an estimated amount not to exceed \$79,500 per extension option, for a total estimated contract amount not to exceed \$318,000. Funding in the amount of \$66,250 is available in the Fiscal Year 2007-2008 Operating Budget of the Public Works Department, Street and Bridge Division. Funding for the remaining 14 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the award and execution of a requirements service contract with Aaron Concrete Contractors, LP was approved.**
37. Authorize award and execution of a contract with GARY LISS & ASSOCIATES, Loomis, CA, for consulting services to develop a zero waste plan for Solid Waste Services Department in an amount not to exceed \$51,105.80. Funding is available in the Fiscal Year 2007-2008 Operating Budget of the Solid Waste Services Department. Best evaluated bid of two bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Solid Waste Advisory Committee.  
**The motion authorizing the award and execution of a contract with Gary Liss and Associates was approved.**
38. Authorize negotiation and execution of a third and final amendment to the Interlocal Agreement between the Lower Colorado River Authority, Travis County, the City of Austin and the City of Sunset Valley to establish completion of the work performed under the Original Agreement and amendments, to amend the Agreement to include the final actual costs for the services, and to end the Agreement for the U.S. Army Corps of Engineers' Onion and Williamson Creek Watersheds, Flood Control and Environmental Restoration Feasibility Study.  
**The motion authorizing the negotiation and execution of a third and final amendment to the interlocal agreement between the Lower Colorado River Authority, Travis County, the City of Austin and the City of Sunset Valley was approved.**
39. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.  
**The following appointments were made:**

BoardNominated By:Child Care Council

Jo Fierro

Council Member Kim

Library Commission

Gloria Meraz

Council Member McCracken

Solid Waste Advisory Commission

N. Jason Pittman

Council Member Cole

Urban Transportation Commission

Ed Easton

Council Member Cole

40. Approve an ordinance amending Chapter 14-4 of the City Code relating to sidewalk cafes and amending the 2007-08 Fee Schedule in Ordinance No. 20070910-008 to add a sidewalk café application fee. (Mayor Will Wynn Council Member Brewster McCracken Mayor Pro Tem Betty Dunkerley)  
**Ordinance No. 20071129-040 was approved.**
41. Approve a resolution requesting that the Urban Renewal Agency of the City of Austin conduct a review of the Urban Renewal Plan for the East 11th and 12th Street Urban Plan Area, with the assistance of the Austin Revitalization Authority, and make recommendation to council to include vertical mixed use, public parking, and affordable housing. (Council Member Sheryl Cole Mayor Will Wynn Mayor Pro Tem Betty Dunkerley)  
**Resolution No. 20071129-041 was approved.**
42. Approve a resolution directing the City Manager to establish a Waterfront Overlay Taskforce to evaluate the current ordinance for inconsistencies and ambiguousness. The Waterfront Overlay Taskforce should be comprised of members from the City of Austin's relevant Boards and Commissions, neighborhood advocates and development community. (Council Member Mike Martinez Council Member Lee Leffingwell Council Member Sheryl Cole)  
**Resolution No. 20071129-042 was approved.**
43. Approve a resolution directing the City Manager to join in cooperation with the Town Lake Trail Foundation for the development of a Hike and Bike Trail Enhancement Plan detailing needs for future Trail projects, to submit the Plan for review and comment by the City of Austin Parks and Recreation Board, and to bring the Plan forward for Council approval. (Mayor Will Wynn Council Member Sheryl Cole Council Member Mike Martinez)  
**Resolution No. 20071129-043 was approved.**
44. Approve a resolution directing the City Manager to conduct a review of City policies and programs that require or incentivise participation in Austin Energy Green Building and make recommendations regarding enhancement, uniformity and broader application of those requirements and incentives. (Mayor Will Wynn Council Member Lee Leffingwell Council Member Brewster McCracken)  
**Resolution No. 20071129-044 was approved.**
45. Approve a resolution directing the City Manager to develop and implement goals, standards, criteria, policies and practices for achieving the highest optimal levels of sustainability in the construction, operation and maintenance of municipal building projects. (Mayor Will Wynn Council Member Lee Leffingwell Council Member Brewster McCracken)



**Resolution No. 20071129-045 was approved.**

46. Approve a resolution directing the City Manager to implement design and environmental standards for all city buildings. (Council Member Brewster McCracken Council Member Lee Leffingwell)

**Resolution No. 20071129-046 was approved.**

47. Approve waiver of fees and authorize payment of certain costs for the Sustainable Food Center's 2008 Austin Farmers Markets to be held at Republic Square Park on selected Saturdays in 2008. (Mayor Will Wynn Mayor Pro Tem Betty Dunkerley)

**The motion authorizing the waiver of fees and payment of certain costs was approved.**

48. Set a public hearing to receive public comment on the City's intent to continue to tax tangible personal property in transit, which would otherwise be exempt from taxation under Texas Tax Code Section 11.253, as enacted by House Bill 621. (Suggested date and time: December 6, 2007, 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX).

**The public hearing was set for December 6, 2007 at 6:00 p.m., Austin City Hall, at 301 W. Second Street, Austin, Texas.**

49. Set a public hearing to consider an ordinance extending the expiration of Ordinance Nos. 020627-115 and 030731-55 from December 31, 2007 to June 30, 2009. The ordinances establish an administrative process for variances from certain land development code provisions for wastewater collection system construction projects needed to eliminate sanitary sewer overflows as part of the Austin Clean Water Program (ACWP). (Suggested date and time: December 13, 2007, 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX.). There is no anticipated fiscal impact. Recommended by the Environmental Board. To be reviewed by the Parks Board on November 27, 2007; the Water and Wastewater Commission on November 28, 2007; and, the Planning Commission on December 11, 2007.

**The public hearing was set for December 13, 2007 at 6:00 p.m., Austin City Hall, at 301 W. Second Street, Austin, Texas.**

Item 50 was a briefing item set for 10:30 a.m.

Items 51 through 60 were Executive Session items.

Items 61 and 62 were action on Executive Session items.

Item 63 was a briefing item set for 200 p.m.

Items 64 through 97 were zoning items set for 4:00 p.m.

Items 98 through 100 were public hearings set for 6:00 p.m.

### **DISCUSSION ITEMS**

11. Approve an ordinance amending the City Code to repeal and replace Chapter 2-1 relating to Boards and Commissions; amending Sections 2-7-71 and 2-7-72 of the City Code relating to financial disclosure by the Board members; repealing Section 2-8-22 of the City Code relating to Board work plans, Section 2-8-23 of the City Code relating to the Policy Planning and Budget Committee, and Section 2-10-35 relating to the Downtown Austin Community Court Advisory Committee; and providing administrative transition provisions relating to boards. The provisions of the proposed ordinance related to financial reporting requirements and conflict of interest disclosure were recommended by the Ethics Review Commission.

Ordinance No. 20071129-011 was approved with the following amendments on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote. The amendment from Council Member Leffingwell was to change page 66, Part 5 to read as follows, "PART 5. This part applies to a board that is subject to Chapter 2-1 (City Boards), as adopted by this ordinance. (A) Unless otherwise provided in Chapter 2-1 (City Boards), the council shall assign each board member a position that corresponds to a council position or the mayor's positions. If a board currently has more than the number of positions authorized by Chapter 2-1 (City Boards), the council shall designate the additional positions as "excess positions". (1) All vacant excess positions are eliminated as of the effective date of this ordinance. (2) All other excess positions are eliminated on July 31, 2008. (3) A member who holds an excess position and whose term expires or has expired may continue to hold the position until July 31, 2008. (4) During a time period when a board has excess positions, the quorum shall be a majority of the regular positions and the excess positions. For example, the quorum for an eight or nine position board is five, and the quorum for a 10 or 11 position board is six. (B) The term for a regular board member's position expires on July 31<sup>st</sup> of the year of the general election for the corresponding council position or the mayor's position, as applicable."

The amendment from Council Member Kim was to have page 6, Section 2-1-23 Training (B) (6), read, "Government Code Chapter 551 (Open Meetings Act), Robert's Rules of Order, and American with Disabilities Act requirements; and"

15. Approve a resolution authorizing the negotiation and execution of a Real Estate Sales Contract for the fee simple acquisition of 13.8079 acres of land, more or less, out of the James P. Wallace League, being a portion of Block 13 of the H. A. & J. G. Fitzhugh subdivision of the Rutherford Farm according to a plat thereof recorded in Book 1, Page 108 of the Plat Records of, Travis County, Texas, and locally known as 906 East St. John Ave., from HD Development Properties, L.P. by Warranty Deed for the Municipal Court and Police Northeast Substation, in an amount not to exceed \$8,100,000 for the land and improvements. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Municipal Court and Police Department.

Resolution No. 20071129-015 was approved on Council Member Kim's motion, Council Member Cole's second on a 7-0 vote.

#### BRIEFING

50. Presentation from ATI on its annual report and update to Council.  
The presentation was made by Isaac Barchas, Director of Austin Technology Incubator; Erin Defosse, Director of ATI IT and Wireless; and Joel Serface, Director of ATI Clean Energy.

#### DISCUSSION ITEM CONTINUED

12. Approve a resolution authorizing execution of an Interlocal Agreement between the City of Austin and the Texas Department of Transportation to deny registration of motor vehicles if the vehicle owner(s) have an outstanding arrest warrant out of the Austin Municipal Court due to a failure to appear or a failure to satisfy a fine on cases involving traffic law violations. No unanticipated financial impact. Recommended by the Council Judicial Committee.  
This item was withdrawn without objection and staff was directed to take it back to the Judicial Subcommittee for further review.

Mayor Wynn recessed the Council Meeting at 11:58 a.m.

Mayor Wynn called the Council Meeting back to order at 12:10 p.m.

**CITIZEN COMMUNICATION: GENERAL**

Jerry Balaka - Airport Flyer Service

Marcelo Tafoya spoke for Marcos de Leon - East Austin Issues

Frances Martinez - East Austin Issues

Gavino Fernandez Jr. - East Austin Issues

Gloria Moreno - East Austin Issues. **She was not present when her name was called.**

CarolAnneRose Kennedy - GIVING THANKS

Jeff Jack - 2215 Bluebonnet Zoning

Gus Pena - City Issues. Reduce Crime and Keep the City of Austin Affordable. Build Affordable Housing. Insure that the Community is involved in the City Manager's Selection Process

Paul Robbins - City Issues. **He spoke earlier in the Council meeting.**

Pat Johnson - In Memory of Robert Lopez Rangel

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:51 p.m.

**EXECUTIVE SESSION**

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

51. Discuss legal issues related to a request for limited adjustment under Section 25-8-518 of the City Code (Save Our Springs Initiative Ordinance) by Hope in the City Church located at 4407 Monterey Oaks Boulevard (Private Consultation with Attorney - Section 551.071). Related to item #61
52. Discuss legal issues related to City of Austin economic development agreements and the effect of the City Charter amendment proposed by Stop Domain Subsidies (Private consultation with Attorney - Section 551.071).
53. Discuss legal issues related to amending City Code Sections 9-4-13 and 12-1-27 related to solicitation (Private Consultation with Attorney - Section 551.071).  
**This item was withdrawn.**
54. Discuss legal issues regarding the Ullrich Water Treatment Plant Expansion Project and Archer Western Contractors, Ltd. v. City of Austin, Cause No. D-1-GN-07-001790, 201st District Court, and discuss an amendment to legal services agreement with Scott, Douglass & McConnico, L.L.P., in connection with project resolution and litigation services (Private Consultation with Attorney - Section 551.071).
55. Discuss legal issues relating to the Seaholm Power Plant building and property on West Cesar Chavez Street (Private Consultation with Attorney - Section 551.071).

56. Discuss the proposed sale or lease of the Seaholm Power Plant building and property on West Cesar Chavez Street for redevelopment (Real Property - Section 551.072).
57. Discuss acquisition of real property as authorized under Proposition 3, of the November 2006 Bond Election for park and recreational purposes (Real property - Section 551.072). Related to Item # 62
58. Discuss real estate development options related to the sale or lease of the Green Water Treatment Plant site (Real Property - Section 551.072).  
**This item was withdrawn.**
59. Discuss personnel matters related to the search for a new City Manager (Personnel Matters - Section 551.074).  
**This item was withdrawn.**
60. Discuss legal issues related to the search for a new City Manager (Private Consultations with Attorney - Section 551.071).  
**This item was withdrawn.**

**Executive Session ended and Mayor Wynn called the Council Meeting back to order at 3:20 p.m.**

#### **ACTION ON EXECUTIVE SESSION**

62. Approve a resolution authorizing the City Manager to negotiate and execute all documents related to a fee simple acquisition of a parcel of land located in Southeast Austin to be purchased with Proposition 3, November 2006 Bond Funds. Related to Item #57  
**Resolution No. 20071129-062 was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.**
61. Consider an application for a limited adjustment under Chapter 25-8, Subchapter A, Article 12, Land Development Code (SOS Initiative Ordinance) for a development project for Hope in the City Church located at 4407 Monterey Oaks Boulevard. There is no unanticipated fiscal impact. A fiscal note is not required. Related to item #51  
**This item was postponed indefinitely and removed from the agenda on Council Member McCracken's motion, Council Member Cole's second on a 7-0 vote.**

#### **DISCUSSION ITEM CONTINUED**

9. Authorize negotiation and execution of an amendment to legal services agreement with Scott, Douglass & McConnico, L.L.P., in connection with project resolution, litigation, and litigation support services, including expert witnesses, related to the Ullrich Water Treatment Plant Expansion Project and Archer Western Contractors, Ltd. v. City of Austin, Cause No. D-1-GN-07-001790, 201st District, in an amount of \$1,170,000 for a total contract amount of \$1,738,500. Funding is included in the Fiscal Year 2007-2008 Capital Budget of the Austin Water Utility. To be reviewed by the Water and Wastewater Commission on November 28, 2007. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the negotiation and execution of an amendment to legal services agreement with Scott, Douglass and McConnico, L.L.P. was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 7-0 vote.**

#### **BRIEFING**

63. Presentation by Casabella Architects and Nelessen Associates, Inc. finalists for the provision of professional planning services for the East Riverside Corridor Plan. Related to item # 26  
The presentation was made by Molly Scarbrough, Planner Senior for Neighborhood Planning Zoning Department; Jaime Beaman, AIA, CasaBella Architects; and Stephen Oliver, AIA, CasaBella Architects; and Anton C. Nelessen, A. Nelessen Associates, Inc.

### ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 5-0 vote. Council Members Kim and Martinez were off the dais.

64. C14-2007-0049 - Palm Square - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6004 Webberville Road (Walnut Creek Watershed) from general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning for Tract 1; and commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning for Tracts 2 and 3. First reading approved on October 11, 2007. Vote: 6-0 (Martinez - off the dais). Applicant: New Century Properties (Jennifer Tran). Agent: AEC, Inc. (Phil Moncada). City Staff: Robert Heil, 974-2330.  
**Ordinance No. 20071129-064 for general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tract 1; and commercial-liquor sales-mixed use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning for Tracts 2 and 3 was approved.**
66. C14-2007-0123 - 11701 Jollyville Road - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11701 Jollyville Road (Walnut Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. First reading approved on November 8, 2007. Vote: 6-1 (Kim-Nay). Applicant: Bell Avenue 11700, Ltd. (Tom McKay). Agent: Shaw Hamilton Consultants (Shaw Hamilton). City Staff: Sherri Sirwaitis, 974-3057. A valid petition has been filed in opposition to this rezoning request.  
**Ordinance No. 20071129-066 for limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning was approved.**

### ZONING DISCUSSION ITEM

65. C14-2007-0067 - Clawson - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3608 and 3706 Clawson Road (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning. First reading approved on October 11, 2007. Vote: 6-0 (Cole-off the dais). Applicant: Claria Riccobono, Richard Roberts and James Barnett. Agent: Jay Dupont. City Staff: Robert Heil, 974-2330. A valid petition has been filed in opposition to this rezoning request.  
**This item was postponed to January 10, 2008 on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 5-0 vote. Council Members Kim and Martinez were off the dais.**

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 6-0 vote. Council Member Cole was off the dais.

68. C14-2007-0143 - 130/290 Retail - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as Decker Lane @ U.S. 290 East and SH 130 (southeast corner of Decker Lane and U.S. 290 East) (Decker and Gilleland Creek Watersheds) from unzoned (UNZ) to commercial highway-conditional overlay (CH-CO) combining district zoning. Staff Recommendation: To grant commercial highway-conditional overlay (CH-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant commercial highway-conditional overlay (CH-CO) combining district zoning. Applicant: LeCadeau (Lucy R. Ross). Agent: Graves, Dougherty, Hearon & Moody (Peter Cesaro). City Staff: Robert Heil, 974-2330.  
**The first reading of the ordinance for commercial highway-conditional overlay (CH-CO) combining district zoning was approved.**
69. C14-2007-0147 - Riverside Nursing Home Facility - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6801 E. Riverside Drive (Carson Creek Watershed) from community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning; and neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district zoning to general office-mixed use-neighborhood plan (GO-MU-NP) combining district zoning. Staff Recommendation: To grant general office-mixed use-neighborhood plan (GO-MU-NP) combining district zoning. Planning Commission Recommendation: To grant general office-mixed use-neighborhood plan (GO-MU-NP) combining district zoning. Applicant: Swift River Land Company (Jack Bradshear). Agent: Vickery & Associates (Steven Frost). City Staff: Robert Heil, 974-2330.  
**The first reading of the ordinance for general office-mixed use-neighborhood plan (GO-MU-NP) combining district zoning was approved.**
70. C14-2007-0162 - Par 620, Sec 2, Lot 3B, Block A, Resubdivision of Lot 3 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13830 N. F.M. 620 Road (Lake Creek Watershed) from general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning, community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning and community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: GH 620, Ltd. (Jim Arnold). Agent: Richard H. Crank. City Staff: Sherri Sirwaitis, 974-3057.  
**Ordinance No. 20071129-070 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.**
71. C14-2007-0170 - Zoning for 13686 North U.S. Hwy 183 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13686 North U.S. Highway 183 (Lake Creek Watershed) from interim-single-family residence-standard lot (I-SF-2) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant and Agent: Azim K. Salehi. City Staff: Sherri Sirwaitis, 974-3057.

**Ordinance No. 20071129-071 for community commercial-conditional overlay (GR-CO) combining district zoning was approved.**

72. C14-2007-0183 - U.S. 183/Govalle Tunnel - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 829 Bastrop Highway Northbound (Carson Creek Watershed) from interim-single-family residence-standard lot (I-SF-2) district zoning; and industrial park-conditional overlay (IP-CO) combining district zoning to public (P) district zoning. Staff Recommendation: To grant public (P) district zoning. Zoning and Platting Commission Recommendation: To grant public (P) district zoning. Applicant: City of Austin - Austin Water Utility (L. Randall Pohren). Agent: A.K. Young Consulting (Anne K. Young). City Staff: Wendy Rhoades, 974-7719.

**Ordinance No. 20071129-072 for public (P) district zoning was approved.**

73. C14-2007-0184 - Soule Residence Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7406 Forest Wood Road (South Boggy Creek Watershed) from development reserve (DR) district zoning to single-family residence-standard lot (SF-2) district zoning. Staff Recommendation: To grant single-family residence-standard lot (SF-2) district zoning. Zoning and Platting Commission Recommendation: To grant single-family residence-standard lot (SF-2) district zoning. Applicant: Michelle and Richard Soule. Agent: Jeremy Theodore, Architect (Jeremy Theodore). City Staff: Wendy Rhoades, 974-7719.

**Ordinance No. 20071129-073 for single-family residence-standard lot (SF-2) district zoning was approved.**

74. C14-85-366(RCA2) - Crossings at Lakeline Two Restrictive Covenant Amendment - Conduct a public hearing and approve a restrictive covenant amendment for the property located at 11301 Lakeline Boulevard (Lake Creek Watershed). Staff Recommendation: To approve the restrictive covenant amendment. Zoning and Platting Commission Recommendation: To approve the restrictive covenant amendment. Applicant: Simmons, Vedder & Company, Inc. (Gary Mefford). Agent: Carter & Burgess, Inc. (Will Schnier). City Staff: Sherri Sirwaitis, 974-3057.

**The motion authorizing the restrictive covenant amendment was approved.**

75. C14H-07-0019 - John and Lela Gay House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4108 Avenue D (Waller Creek Watershed) from family residence-neighborhood conservation combining district (SF-3-NCCD) combining district zoning to family residence-historic- neighborhood conservation combining district (SF-3-H-NCCD) combining district zoning. Staff recommendation: To grant family residence-historic-neighborhood conservation combining district (SF-3-H-NCCD) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic- neighborhood conservation combining district (SF-3-H-NCCD) combining district zoning. Planning Commission recommendation: To grant family residence-historic-neighborhood conservation combining district (SF-3-H-NCCD) combining district zoning. Applicants: Neil Foley and Angela Hinz. City Staff: Steve Sadowsky, 974-6454.

**Ordinance No. 20071129-075 for family residence-historic-neighborhood conservation combining district (SF-3-H-NCCD) combining district zoning was approved.**

76. C14H-07-0020 - Albert and Ruth Douglas House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1200 Travis Heights Boulevard (Blunn Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning. Staff recommendation: To grant family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-

historic-neighborhood plan (SF-3-H-NP) combining district zoning. Planning Commission recommendation: To grant family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning. Applicant: Donald Wells. City Staff: Steve Sadowsky, 974-6454.

**Ordinance No. 20071129-076 for family residence-historic-neighborhood plan (SF-3-H-NP) combining district zoning was approved.**

77. C14H-07-0021 - Gordon Damon House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3400 Duval Street (Waller Creek Watershed) from family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning to family residence-historic-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Staff Recommendation: To grant family residence-historic-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-historic-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Applicants: Steven and Kimberley Brackin. City Staff: Steve Sadowsky, 974-6454.

**Ordinance No. 20071129-077 for family residence-historic-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning was approved.**

78. C14H-07-0040 - Parrish-Fleming House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1410 Northwood Road (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic (SF-3-H) combining district zoning. Staff Recommendation: To grant family residence-historic (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence-historic (SF-3-H) combining district zoning. Applicant: Pemberton Preservation Partners (Candace Volz). City Staff: Steve Sadowsky, 974-6454.

**Ordinance No. 20071129-078 for family residence-historic (SF-3-H) combining district zoning was approved.**

79. NPA-07-0017.01 - Austin Energy & Crestview Station - Conduct a public hearing and approve an ordinance amending Ordinance No. 041401-Z-2, the Crestview/Wooten Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) from Major Planned Development to Utilities for 7520-7530 N. Lamar Boulevard (Waller Creek Watershed). Staff Recommendation: To approve Utilities designation. Planning Commission Recommendation: To grant Utilities designation. Applicant: Austin Energy and Crestview Station LLR Land LP. Agents: Lena Lund (Austin Energy) and Alice Glasco (Crestview Station LLR Land LP). City Staff: Kathleen Fox, 974-7877.

**The first reading of the ordinance to change the designation on the future land use map to Utilities designation was approved.**

80. C14-2007-0095 - Justin Substation - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7520-7530 North Lamar Boulevard (Waller Creek Watershed) from limited industrial service-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning to public-neighborhood plan (P-NP) combining district zoning. Staff Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Planning Commission Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Applicant: City of Austin, Austin Energy. Agent: Neighborhood Planning and Zoning Department. City Staff: Jorge E. Rousselin, 974-2975.



**The first reading of the ordinance for public-neighborhood plan (P-NP) combining district zoning was approved.**

81. NPA-2007-0009.04 - 1319 Rosewood Avenue - Conduct a public hearing and approve an ordinance amending Ordinance 011213-42, the Central East Austin Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation from single family to mixed use designation on the future land use map (FLUM) for the property located at 1319 Rosewood Avenue (Boggy Creek watershed). Staff Recommendation: To grant mixed use designation. Planning Commission Recommendation: To grant mixed use designation. Applicant: 1319 Rosewood Avenue. Agent: Nicole Blair. City Staff: Minal Bhakta, 974-6453.  
**Ordinance No. 20071129-081 for mixed use designation on the future land use map was approved.**
82. C14-2007-0135 - 1319 Rosewood Avenue - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1319 Rosewood Avenue (Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Applicant: Ken Blair. Agent: Nicole Blair. City Staff: Robert Heil, 974-2330.  
**Ordinance No. 20071129-082 for general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning was approved.**
83. NPA-2007-0016.02 - The Govalle Land - Conduct a public hearing and approve an ordinance amending Ordinance No. 030327-12, the Govalle/Johnston Terrace Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) from single-family to multi-family for property located on Govalle Avenue - a portion (0.775 AC) of 1.957 AC of OLT 44 Division A (Boggy Creek Watershed). Staff Recommendation: To deny multi-family designation. Planning Commission Recommendation: to be reviewed on November 27, 2007. Applicant and Agent: Govalle/Johnston Terrace Neighborhood Planning Team and Michael Casias with Govalle Partners, Ltd. City Staff: Kathleen Fox, 974-7877.  
**This item was postponed to December 13, 2007 at the staff's recommendation.**
84. C14-2007-0146.SH - The Govalle Land - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1100 Linden Street (Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning; and multi-family residence-medium density (MF-3-NP) combining district zoning to single-family residence-small lot-neighborhood plan (SF-4A-NP) combining district zoning; and multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning. Staff Recommendation: To grant single-family residence-small lot-neighborhood plan (SF-4A-NP) combining district zoning; and multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on November 27, 2007. Applicant: Govalle Partners Ltd. Agent: Michael Casias. City Staff: Robert Heil, 974-2330.  
**This item was postponed to December 13, 2007 at the staff's recommendation.**
85. C14-2007-0128 - Sigma Alpha Epsilon Texas Rho Fraternity - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2414 Pearl Street (Shoal Creek Watershed) from multi-family residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to multi-family residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Staff Recommendation: To grant

multi-family residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Planning Commission Recommendation: To deny multi-family residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Applicant: Sigma Alpha Epsilon Alumni Association of Austin (Jody Lane); Sigma Alpha Epsilon Texas Rho House. Agent: Reynolds + Franke, PC (Steve Franke). City Staff: Jorge E. Rousselin, 974-2975.  
**This item was postponed to December 6, 2007 at the owner's request.**

86. C14-02007-0195 - Delta Delta Delta Sorority House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 503 West 27th Street (Shoal Creek Watershed) from multi-family residence-moderate high density-neighborhood plan (MF-4-NP) combining district zoning to multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Planning Commission Recommendation: To deny multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Applicant and Agent: Theta Zeta House Corporation (Leanne Heldenfels). City Staff: Jorge E. Rousselin, 974-2975.

**This item was postponed to December 6, 2007 at the owner's request.**

87. C14-2007-0117 - Alpha Chi Omega Sorority - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2420 Nueces Street (Waller Creek Watershed) from multi-family residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to multi-family residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Planning Commission Recommendation: To deny multi-family residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Applicant: Alpha Chi Omega House Corporation (Deborah Rosenquest). Agent: Dell Incorporated (Welsch Leslie). City Staff: Jorge E. Rousselin, 974-2975.

**This item was postponed to December 6, 2007 at the owner's request.**

88. C14-2007-0118 - Beta Alpha Chapter of Alpha Xi Delta Sorority - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2508 Rio Grande Street (Shoal Creek Watershed) from general commercial services-neighborhood plan (CS-NP) combining district zoning and multi-family residence-moderate high density-neighborhood plan (MF-4-NP) combining district zoning to multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Planning Commission Recommendation: To deny multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Applicant: Alpha Xi Delta Building Corporation (Christina Lynch). Agent: Beta Alpha Chapter of Alpha Xi Delta (Christina Lynch). City Staff: Jorge E. Rousselin, 974-2975.

**This item was postponed to December 6, 2007 at the owner's request.**

89. C14-2007-0119 - Texas Alpha House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2300 San Antonio Street (Waller Creek Watershed) from multi-family residence-moderate high density-neighborhood plan (MF-4-NP) combining district zoning to multi-family residence-conditional overlay-moderate high density-neighborhood plan (MF-4-CO-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-conditional overlay-moderate high density-neighborhood plan (MF-4-CO-NP) combining district zoning. Planning Commission Recommendation: To deny multi-family residence-

conditional overlay-moderate high density-neighborhood plan (MF-4-CO-NP) combining district zoning. Applicant: Texas Alpha House Corporation of Pi Beta Phi (Betty Knight). Agent: Brown McCarroll, LLP (Andrew Martin). City Staff: Jorge E. Rousselin, 974-2975.

**This item was postponed to December 6, 2007 at the owner's request.**

90. C14-2007-0132 - Kappa Alpha Theta Sorority - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2401 Pearl Street (Shoal Creek Watershed) from multi-family residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Planning Commission Recommendation: To deny multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Applicant: Kappa Alpha Theta Facility Board (Karla Wagner). Agent: Meredith Landry. City Staff: Jorge E. Rousselin, 974-2975.

**This item was postponed to December 6, 2007 at the owner's request.**

91. C14-2007-0110 - Sigma Chi Fraternity - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2701 Nueces Street (Waller Creek Watershed) from multi-family residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to multi-family residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Planning Commission Recommendation: To deny multi-family residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Applicant: Alpha Nu Chapter of Sigma Chi (Linden Welsh). Agent: Aynesworth Project Management (Tim Aynesworth). City Staff: Jorge E. Rousselin, 974-2975.

**This item was postponed to December 6, 2007 at the owner's request.**

92. C14-2007-0142 - Omega Building Company - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2500 Rio Grande Street (Waller Creek Watershed) from multi-family residence-moderate high density-neighborhood plan (MF-4-NP) combining district zoning to multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Planning Commission Recommendation: To deny multi-family residence-moderate high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Applicant and Agent: Omega Building Company of Austin (Sandra W. Hauser). City Staff: Jorge E. Rousselin, 974-2975.

**This item was postponed to December 6, 2007 at the owner's request.**

93. C14-2007-0113 - Tejas - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2600 Rio Grande Street (Shoal Creek Watershed) from multi-family residence-limited density-neighborhood plan (MF-4-NP) combining district zoning to multi-family residence-limited density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-limited density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Planning Commission Recommendation: To deny multi-family residence-limited density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Applicant: Tejas Foundation (Douglas Batson). Agent: Bankers Capital Corporation (Douglas Batson). City Staff: Jorge E. Rousselin, 974-2975.

**This item was postponed to December 6, 2007 at the owner's request.**

**ZONING DISCUSSION ITEM CONTINUED**

94. C14-2007-0144 - 800 West Avenue - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 800 West Avenue (Shoal Creek Watershed) from general office (GO) district zoning and limited office (LO) district zoning to central business district (CBD) district zoning. Staff Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Planning Commission Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Applicant: Joseph T. Wells. Agent: Armbrust and Brown (Lynn Ann Carley). City Staff: Jorge E. Rousselin, 974-2975. The public hearing was closed and the first reading of the ordinance for downtown mixed use-conditional overlay (DMU-CO) combining district zoning was approved on Mayor Pro Tem Dunkerley's motion, Council Member Martinez' second on a 7-0 vote with a limit of 2,000 vehicle trips per day and the following six conditions.
1. The tower structure is restricted to 100 percent residential use and associated parking. The existing and proposed historical residential structures fronting on West Avenue may have any use permitted under DMU zoning.
  2. The West Avenue frontage must be consistent with the street's existing character. The existing house onsite must be preserved, and a similar house must be placed in the space next to it, preferably a vintage house downtown that would otherwise be demolished or moved out of downtown.
  3. All trees with a diameter of 19 inches or greater must be kept onsite.
  4. Impervious cover must not exceed 75 percent.
  5. Public access must be provided to and along Shoal Creek.
  6. Parkland dedication fees from the project should be dedicated to improvements to the Shoal Creek area.

Mayor Wynn recessed the Council Meeting at 5:53 p.m.

**LIVE MUSIC**

LZ Love

**PROCLAMATIONS**

Proclamation -- COPD Awareness Month -- to be presented by Mayor Will Wynn and to be accepted by Linda Supnet-Zapata

Distinguished Service Award -- Warren Struss -- to be presented by Mayor Will Wynn and City Manager Toby Hammett Futrell and to be accepted by the honoree

Presentation to the City regarding our award-winning City Hall -- to be presented by Galen Schroeder, Datum Engineers, Inc., and to be accepted by Mayor Will Wynn and City Manager Toby Hammett Futrell

Mayor Wynn called the Council Meeting back to order at 6:57 p.m.

**DISCUSSION ITEMS CONTINUED**

26. Authorize negotiation and execution of a professional services agreement with one of the following firms: CASABELLA ARCHITECTS, (MBE/MH 55.20%), Austin, TX, or A. NELESSEN ASSOCIATES, INC., Belle Mead, NJ, for professional planning services for the East Riverside Corridor Plan, in an

amount not to exceed \$180,000. Funding is available in the Fiscal Year 2007-2008 Capital Budget of the Neighborhood Planning and Zoning Department. Best qualification statement of four statements received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goals with 0.0% MBE and 19.70% WBE (Casabella) subconsultant participation; 20.0% MBE and 15.0% WBE (A. Nelessen) subconsultant participation. Related to item # 63

The motion authorizing negotiation and execution of a professional services agreement with A. Nelessen Associates, Inc. was approved on Council Member Kim's motion, Council Member Cole's second on a 7-0 vote.

### PUBLIC HEARING

99. Conduct a public hearing and consider an amendment to City Code Sections 9-4-13 and 12-1-27 related to solicitation.

This motion to postpone this item to 2:00 p.m. on December 6, 2007 was approved with the following friendly amendment on Council Member Kim's motion, Council Member Leffingwell's second on a 7-0 vote. The friendly amendment from Council Member McCracken was to re-open the public hearing at 6:00 p.m. to accommodate citizens who might be working and could not attend at 2:00 p.m.

### ZONING DISCUSSION ITEMS CONTINUED

67. C14-2007-0084 - Elm Terrace - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 3215 Exposition Boulevard (Taylor Slough North Watershed) from unzoned to multi-family residence-limited density (MF-1) district zoning. Staff Recommendation: To grant townhouse and condominium residence (SF-6) district zoning. Planning Commission Recommendation: To grant multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning. Applicant: Austin Elm Terrace, L.P. (Steve D. Buerlein). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Jorge E. Rousselin, 974-2975.

The public hearing was closed and the first reading of the ordinance for townhouse and condominium residence (SF-6) district zoning with a limit of 20 units and direction to staff to obtain a site and architectural analysis prior to bringing the item back was approved with the following conditions on Mayor Pro Tem Dunkerley's motion, Council Member Cole's second on a 7-0 vote. The conditions include: 1) No walls; 2) Sidewalks must be up to Urban Sidewalk Standards with street trees; and 3) Units fronting on to Exposition must have front doors oriented to Exposition Boulevard.

### PUBLIC HEARINGS

100. Conduct a public hearing and consider an ordinance amending Title 25 of the City Code to provide incentives for developers of housing that complies with the City's S.M.A.R.T. (safe, mixed-income, accessible, reasonably-priced, transit-oriented) Housing program and green building standards; amending Section 25-9-347 (Exemption for Certain Affordable Housing); and adding new Article 15 to Chapter 25-1 related to S.M.A.R.T. Housing. Recommended by the Mayor's Committee for People with Disabilities; the Codes and Ordinances subcommittee of the Planning Commission; the Water and Wastewater Commission; and, the Planning Commission. Reviewed by the Community Development Commission. The public hearing was closed and Ordinance No. 20071129-100 with the following amendment was approved on Council Member Leffingwell's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote. The amendment was Section 25-1-703(B)(3)(a)(2) should read, "at least ten percent of the dwelling units in each development; or".

98. Conduct a public hearing and approve an ordinance amending Section 4.3.5 of Chapter 25-2, Subchapter E (Design Standards and Mixed Use) to provide that Council may amend a neighborhood plan to authorize a vertical mixed use building when the Council makes a determination under the opt-in/opt-out process and to provide that the neighborhood plan amendment is not subject to the neighborhood plan amendment process; and to amend Section 25-2-32 to establish a zoning map code to reflect that a property has been granted all or some of the vertical mixed use incentives. (Recommended by Planning Commission).
- The public hearing was closed and Ordinance No. 20071129-098 was approved on Council Member McCracken's motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem Dunkerley was off the dais.

#### ZONING DISCUSSION ITEMS CONTINUED

95. C14-2007-0216 - South Manchaca Vertical Mixed Use (VMU) Zoning Opt-in/Opt-Out Process - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by applying a vertical mixed use (V) district zoning to certain tracts within the South Manchaca Neighborhood Planning Area, bounded by Ben White Boulevard on the north, South 1st Street on the east, West Stassney Lane on the south, and Manchaca Road on the west (West Bouldin Creek Watershed). Staff Recommendation: To grant a vertical mixed use (V) district zoning. Planning Commission Recommendation: To grant a vertical mixed use (V) district zoning. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Rhoades, 974-7719.
- The public hearing was closed and the first reading of the ordinance with the following amendments was approved on Council Member McCracken's motion, Mayor Pro Tem Dunkerley's second on a 7-0 vote. The amendments were: 1) Apply all vertical mixed use (V) standards to tracts 1-5, 7-11, and 13-20; 2) Apply the dimensional standards for tracts 10 and 12; and 3) Apply an affordability level of 60% of the Median Family Income (MFI) requirement for VMU rental developments.
96. C14-2007-0220 - Bouldin Creek Vertical Mixed Use (VMU) Zoning Opt-in/Opt-Out Process - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by applying a vertical mixed use (V) district zoning to certain tracts within the Bouldin Creek Neighborhood Planning Area, bounded by Lady Bird Lake on the north, South Congress Avenue on the east, West Oltorf Street on the south, and the Union Pacific Railroad tracks on the west Town Lake, West Bouldin Creek and East Bouldin Creek Watersheds). Staff Recommendation: To grant a vertical mixed use (V) district. Planning Commission Recommendation: To grant a vertical mixed use (V) district. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Melissa Laursen, 974-7226.
- The public hearing was closed and the first reading of the ordinance with the following amendments was approved on Council Member McCracken's motion, Council Member Cole's second on a 7-0 vote. The amendments were: 1) Postpone action on Tract 129 until after the December 11, 2007 Planning Commission and January 10, 2008 City County meeting to allow for the plan amendment to occur concurrently with the rezoning; 2) Apply all Vertical Mixed Use related standards to Tracts 1-128 and 131-150; and 3) Apply an affordability level of 60% of the Median Family Income (MFI) requirement for Vertical Mixed Use rental developments.

The motion to waive the rules and allow Council to meet after 10:00 p.m. was approved on Council Member Martinez' motion, Council Member Cole's second on a 7-0 vote.

97. C14-2007-0224 - Greater South River City Vertical Mixed Use (VMU) Zoning Opt-in/Opt-Out Process - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by applying a vertical mixed use (V) district to certain tracts within the Greater South River City

Neighborhood planning area, bounded by Lady Bird Lake on the north, the IH-35 Service Road Southbound on the east, Ben White Boulevard on the south, and South Congress Avenue on the west (Town Lake, Harper's Branch and Bull Creek Watersheds). Staff Recommendation: To grant a vertical mixed use (V) district. Planning Commission Recommendation: To grant a vertical mixed use (V) district. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Andrew Holubeck, 974-2054.

The public hearing was closed and the first reading of the ordinance with the following amendments was approved on Council Member McCracken's motion, Council Member Martinez' second on a 7-0 vote. The amendments were: 1) Postpone action on Tract 327 until after the December 11, 2007 Planning Commission hearing to allow for the plan amendment to occur concurrently with the rezoning and December 10, 2007 Council Meeting; 2) Implement Vertical Mixed Use regulations by rezoning Tracts 302-322; Tracts 324-326; and Tract 328. All Vertical Mixed Use related standards shall apply; 3) Exclude Tract 323 from the Vertical Mixed Use Overlay District; and 4) Apply an affordability level of 60% of the Median Family Income (MFI) requirement for Vertical Mixed Use rental developments

Mayor Wynn adjourned the meeting at 10:18 p.m. without objection.

The minutes for the Regular Meeting of November 29, 2007 were approved on this the 6th day of December, 2007 on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.